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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,323	10/25/2001	Matti Saarinen	975.373USW1	2442

32294 7590 05/22/2003

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EXAMINER

ORGAD, EDAN

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 05/22/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,323

Applicant(s)

SAARINEN ET AL.

Examiner

Edan Orgad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on reconsideration filed 3/17/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

It should be noted that examiner concurs with applicant arguments regarding final office action. Finality is withdrawn; a new non-final office action is issued herewith.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 & 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Olofsson et al (US 6,167,031).

Regarding claims 1 and 8, Olofsson teaches a method and associated device for measuring a usage of system resources in a communication network (see abstract). The device comprising means for measuring which radio resources are used by a transmission in a system (col. 4, lines 47-49). Means for measuring which data service units are used for transmission in the system (col. 4, lines 60-63), and means for measuring which transmission characteristics are used by transmission in the system (col. 4, lines 49-53), wherein all of the means for measuring are adapted for performing a respective collective measurement (col. 4, line 63- col. 5, line 5).

Regarding claims 2 and 9, Olofsson teaches a method and associated device wherein said transmission characteristics comprise an information transfer capability information (col. 6, lines 50-57).

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Regarding claims 3 and 10, Olofsson teaches a method and associated device comprising means for evaluating, detecting and identifying each respective dependencies of said system resource usage by evaluating measurement results of said means for measuring means (col. 6, line 62- col. 7, line 17 & col. 7, lines 31-62).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olofsson et al (US 6,167,031).

Regarding claims 6 and 13, Olofsson fails to specifically disclose said associated device wherein transmission contains high-speed circuit switched data. However, official notice is taken that transmission containing high-speed circuit switched data is very well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include transmission containing high-speed circuit switched data with Olofsson transmission method in order to provide mobile users at data rates up to 38.4 Kbps, four times faster than the standard data rates of the Global System for Mobile communication standard in 1999.

Claims 4, 5, 7, 11, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olofsson et al (US 6,167,031) in view of Hakaste et al (US Patent # 6,377,817).

Regarding claims 4, 5, 11 and 12, Olofsson fail to specifically disclose a method and associated device which are part of a base station subsystem or the switching center of said

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communication network. However, in the same field of endeavor, Hakaste does disclose a data transmission method and system for circuit switched and other devices that comprises measurement means which are part of a base-station subsystem (column 4, lines 5-13). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olofsson's invention with Hakaste's teaching of providing measurement's means in the switching center in order to decrease the manufacturers costs of the mobile station as well as allow for more precise measurements.

Regarding claim 7 and 14, Olofsson fails to specifically disclose a method and associated device wherein said transmission contains data which is channel coded according to Enhanced Data rates for GSM Evolution. However, in the same field of endeavor, Hakaste teaches transmission containing data which is channel coded according to Enhanced Data rates for GSM Evolution (column 1, lines 22-30). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Hakaste's transmission containing data which is channel coded according to Enhanced Data rates for GSM Evolution with Olofsson's teaching in order to provide manufacturers with the option to provide lower cost mobile equipment.

Allowable Subject Matter

Claims 15 and 16 are allowed; see reasons for allowance in office action # 11 dated 12/17/02.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0155831, teaches a system and methods for comparing data quality for multiple wireless communication networks. Fodor, Kevin et al.

US 6,442,401, teaches analyzing a packet radio cellular communications network.
Behan, Paul.

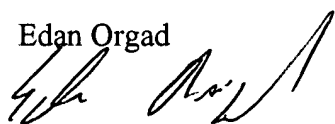
US 6,289,217, teaches an adaptive radio link. Hamalainen, Seppo et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Edan Orgad



May 15, 2003


NAY MAUNG
PRIMARY EXAMINER